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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/729,626	11/30/2000	Arthur Wong	7880M	5406
27752	7590	12/19/2003	EXAMINER	
THE PROCTER & GAMBLE COMPANY INTELLECTUAL PROPERTY DIVISION WINTON HILL TECHNICAL CENTER - BOX 161 6110 CENTER HILL AVENUE CINCINNATI, OH 45224			COLE, ELIZABETH M	
			ART UNIT	PAPER NUMBER
			1771	

DATE MAILED: 12/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/729,626

Applicant(s)

WONG ET AL.

Examiner

Elizabeth M Cole

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18,21-25,31-34,37 and 38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18,21-25,31-34,37 and 38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____. 6) ☐ Other: _____

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by Greenway, U.S. Patent No. 5,281,461. Greenway discloses a nonwoven polyester fabric which is hydro entangled in order to form a uniform pattern of protuberances. See col. 3, lines 3-14 and example 1. Greenway teaches carding of polyester staple fibers before hydroentangling is conventional. See col. 1, lines 25-42 and col. 4, lines 56-61. The nonwoven is not apertured. See claim 2. The nonwoven would inherently have the claimed structure of a working face and a back face due to the presence of the protuberances.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greenway, U.S. Patent No. 5,281,461. Greenway discloses a nonwoven polyester fabric which is hydro entangled in order to form a uniform pattern of protuberances. See col. 3, lines 3-14 and example 1. Greenway teaches carding of polyester staple fibers before hydroentangling is conventional. See col. 1, lines 25-42 and col. 4, lines 56-61. Greenway differs from the claimed invention because it does not disclose the precise patterns claimed and does not disclose the average height differential. However, Greenway does teach that the pattern on the fabric will

directly reflect the pattern on the forming surface. Therefore, it would have been obvious to one of ordinary skill in the art to have selected the appropriate patterns which would produce the desired characteristics such as softness, hand, etc in the final product.

5. Claims 15-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greenway as applied to claims 1-14 above, and further in view of Shizumo et al, U.S. Patent No. 5,525,397. Green way does not teach incorporating a scrim into the fabric. Shizumo et al teaches that a hydro entangled nonwoven may have a scrim further incorporated into it in order to strengthen and stabilize the fabric and allow for the formation of a nonwoven which has excellent cleaning ability. See col. 1, line 36- col. 2, line 6. . The scrim may comprise a polyolefin such as polypropylene. See col. 3, lines 39-47. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated a scrim as taught by Shizumo into the fabric of Greenway. One of ordinary skill in the art would have been motivated to incorporate a scrim into the nonwoven of Greenway because Shizumo teaches that this strengthens and stabilizes the fabric and enhances the cleaning ability of a nonwoven fabric.

6. Claims 21-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greenway in view of Shizumo as applied to claims 15-18 above, and further in view of Floyd et al, , U.S. Patent No. 4,683,001 Neither Greenway nor Shizumo teach applying a polishing composition to the nonwoven. Floyd teaches that a polishing composition comprising mineral oil and waxes may be applied to a nonwoven sheet in order to enhance the cleaning ability of the sheet. See abstract. The amount applied in example 4 of 3.9% by weight of the wipe meets the claimed amounts. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated a polishing agent such as the one taught by Floyd into

the nonwoven fabric. One of ordinary skill in the art would have been motivated to incorporate the polishing agent because this would enhance the polishing and wiping ability of the nonwoven and obviate the need for additional cleaners, etc., to be used with the wipers.

7. Claims 31-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greenway in view of Shizumo as applied to claims 15-18 above, and further in view of Lin, U.S. Patent No. 5,280,664. Neither Greenway nor Shizumo teach putting the nonwoven onto a handle. Lin teaches that nonwoven fabrics may be affixed to handles, used and then removed and disposed of. Therefore, it would have been obvious to one of ordinary skill in the art to have affixed the nonwoven fabric to a handle in order to form a cleaning implement with a replaceable wiper. One of ordinary skill in the art would have been motivated to affix the nonwoven to a handle in order to form a cleaning implement because the use of a handle enables the nonwoven wipe to be used to clean surfaces such as floors, wall, ceilings, etc., which it would be uncomfortable or inconvenient to clean using a wiping cloth alone.

Applicant's arguments filed 11/6/03 have been fully considered but they are not persuasive. Applicant argues that Greenway teaches an apertured sheet. However, the forming apparatus of Greenway is apertured, but the sheet itself is not apertured. See claim 2 of Greenway. The Greenway sheet has fibers which are formed into the frusto-conical apertures of the forming apparatus in order to form raised portions or protuberances. However, these regions are not apertured.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

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A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth M. Cole whose telephone number is (703) 308-0037. The examiner may be reached between 6:30 AM and 6:00 PM Monday through Wednesday, and 6:30 AM and 2 PM on Thursday.

Mr. Terrel Morris, the examiner's supervisor, may be reached at (703) 308-2414.

Inquiries of a general nature may be directed to the Group Receptionist whose telephone number is (703) 308-0661.

The fax number for all official faxes is (703) 872-9306. The fax number for unofficial faxes is (703) 305-5436.



Elizabeth M. Cole
Primary Examiner
Art Unit 1771

e.m.c